

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

ANTHONY SCOTT PRIOR, JR.

PLAINTIFF

v.

No.: 1:21-cv-93-JMV

**KILOLO KIJAKAZI,
Commissioner of Social Security**

DEFENDANT

ORDER

Before the court are the Plaintiff's motion [18] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and the Defendant's response [20]. For the reasons that follow, the motion will be granted.

In these proceedings, the Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment, dated December 15, 2021, this court remanded this case to the Social Security Administration for further proceedings. The Plaintiff now seeks attorney fees in the amount of \$5,185.68 for 25.43 hours of attorney time before this court on the grounds that the Plaintiff was the prevailing party and the Commissioner's position was not substantially justified. The Commissioner does not oppose the requested award, made payable to the Plaintiff and mailed to Plaintiff's attorney. See Pl.'s Motion (Doc. 18) at 1; Pl.'s Itemization (Doc. 18-2).¹

The court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

¹ The general procedure that the Commissioner uses in effectuating court orders awarding EAJA fees to the Plaintiff is as follows: The Commissioner certifies the order to the Department of the Treasury for payment. Afterward, the Department of the Treasury issues payment by check to the order of the plaintiff, in care of his/her attorney, and mails the check to the plaintiff's attorney. Payment of the EAJA fees to the plaintiff in care of the plaintiff's attorney is consistent with the EAJA.

That the Commissioner shall promptly pay Plaintiff \$5,185.68 in attorney fees for the benefit of counsel for Plaintiff. Further, the award should be made payable to Plaintiff and mailed in the care of Plaintiff's counsel, consistent with the Commissioner's general procedure.

SO ORDERED this, the 31st day of January, 2022.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE